

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

CHARLES MACKEY,

Petitioner

v.

SERGEANT BELL,

Respondent

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1:04-CV-182 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. 30), filed on February 16, 2006. It is recommended that Defendant's Motion for Summary Judgment (Doc.12) be denied in his individual capacity and granted to the extent Plaintiff seeks to make an official capacity claim. No objection has been filed. Also before the Court is a Report and Recommendation from Judge Hodge (Doc. 31), filed on February 16, 2006. It is recommended that Plaintiff's motion (Doc. 10), which, in light of Plaintiff's pro se status was considered as a Motion for Preliminary Injunction or for a Temporary Restraining Order, be denied. No objection has been filed.

Upon full review and consideration upon the record, the Court finds that the first Report and Recommendation (Doc. 30) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendant's Motion for Summary Judgment (Doc. 12) is **GRANTED** as to Plaintiff's claims against Defendant in his official capacity and **DENIED** as to Plaintiff's claims against Defendant in his individual capacity.

Upon full review and consideration upon the record, the Court finds that the second Report and Recommendation (Doc. 31) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's Motion for Preliminary Injunction or for Temporary Restraining Order (Doc. 10) is **DENIED**.

SO ORDERED, this 17th day of March, 2006.

/s/W. Louis Sands
W. LOUIS SANDS, CHIEF JUDGE
UNITED STATES DISTRICT COURT